



Federal Communications Commission
Washington, D.C. 20554

August 16, 2010

DA 10-1539

VIA EMAIL AND CERTIFIED MAIL

Warren C. Havens
2649 Benvenue Avenue #1
Berkeley, California 94704

Re: Request for Additional Time to File Opposition to Application for Review

Dear Mr. Havens:

This letter denies your request for additional time to file an opposition to the Application for Review of Paging Systems, Inc. ("PSI") concerning the Wireless Telecommunications Bureau's Order on Reconsideration adopted and released on July 1, 2010.¹

In a request submitted by email earlier today, you state that you need additional time to prepare an opposition to PSI's Application for Review because your company's time has been consumed with participation in the Commission's recently-concluded auction of paging licenses (Auction 87), the subsequent vacation schedules of your key employees, and your recent engagement of new counsel. You also contend that PSI would not be prejudiced by such an extension. PSI objects to any extension, noting that Auction 87 ended 10 days before the deadline and that your new counsel has not entered an appearance in this proceeding.²

We find that you have not met the standard for an extension of time to file a responsive pleading, particularly where you did not make your request until the day of the deadline and the other party to this proceeding opposes your request. In the context of applications for review, the Commission has found that:

Waiver of the deadline is appropriate only where equities so require and no party would be prejudiced thereby. Motions for extension of time generally must be filed at least seven days prior to the filing deadline, except that the motion may be filed within the last seven days if the party orally notifies other parties and the Commission staff

¹ Email from Warren C. Havens to Gary Michaels et al., received August 16, 2010. *See*, Paging Systems, Inc. Petition for Reconsideration of Public Notice Announcing Procedures for Auction of Automated Maritime Telecommunications System Licenses, *Order on Reconsideration*, DA 10-1242 (WTB rel. July 1, 2010), Application for Review pending.

² Email from Audrey Rasmussen, Esq., counsel to PSI, to Warren C. Havens et al., received August 16, 2010.

Warren C. Havens
August 16, 2010

DA 10-1539

responsible for acting on the motion that the motion has been or is being filed. Such motions are not routinely granted.³

We are not persuaded that the equities require additional time in these circumstances. In particular, the law firm you identified as having been recently engaged has been representing you in Commission-related matters at least since early June 2010, well in advance of the July 1, 2010 Bureau order that is the subject of PSI's Application for Review.⁴ Moreover, you have not explained why you were unable to submit your extension request earlier. Further, you have not explained how any additional time for filing a responsive pleading would lead to a more complete record in light of the limitations on issues that may be raised in this proceeding and the extensive arguments that have already been presented on these issues.⁵

For these reasons, your request for extension of the filing deadline is DENIED.

Sincerely,

Gary D. Michaels
Deputy Chief, Auctions and Spectrum Access Division
Wireless Telecommunications Bureau

³ See *Royce International Broadcasting Co.*, 23 FCC Rcd 9010 (2008).

⁴ See *Skybridge Spectrum Foundation, et al. Emergency Motion for Stay of Agency Action, Skybridge Spectrum Foundation v. FCC*, No. 10-71808 (9th Cir. June 8, 2010).

⁵ See 47 C.F.R. § 1.115(c), (g) (circumstances under which application for review may be entertained).